

BILL NO. G-96-10-14

GENERAL ORDINANCE NO. G-28-96

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating a dedicated alley right-of-way.

WHEREAS, a petition to vacate a dedicated alley right-of-way within the City of Fort Wayne, Indiana,
(as more specifically described below) was duly filed with the City Clerk of the City of Fort Wayne, Indiana; and

WHEREAS, Common Council of the City of Fort Wayne, Indiana, duly held a public hearing and
approved said petition, as provided in I.C. 36-7-3-12.

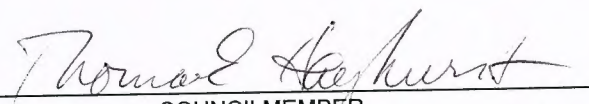
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a dedicated alley right-of-way within the City of
Fort Wayne, Indiana, more specifically described as follows, to-wit:

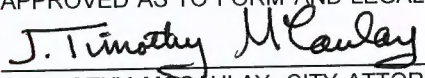
Area between Lots 10 & 11 in Arnolds Suburban Addition according to Plat Record 17 Page 95 in the
Office of the Recorder of Allen County, Indiana. Starting at the southeast corner of Lot 10 Arnolds
Suburban Addition going west 291.88 feet; thence south 14 feet; thence east 291.84 feet; thence north
14 feet to the place of beginning.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby
approved in all respects.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and
all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULEY, CITY ATTORNEY

Read the first time in full and on motion by Ray Hurst
and duly adopted, read the second time by title and referred to the
Committee on Legislation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on Tuesday, the 12th day of
November, 1996, at 5:30 o'clock
A.M., E.S.T.

DATED: 10-22-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ray Hurst
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST	<u>✓</u>			
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 11-26-96

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. G-28-96

on the 26th day of November, 1996

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Ray Hurst
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 27th day of November, 1996,
at the hour of 3:00 o'clock PM

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of December,
1996, at the hour of 3:45 o'clock PM, E.S.T.

Paul Heimke
PAUL HEIMKE, MAYOR



Vacation Petition

City Clerk / Room 122 City County Building / Fort Wayne, IN 46802 / (219) 427-1208

I/We do hereby petition to vacate the following:

☐ Easement☒ Public Right-of-Way (street or alley)

More particularly described as follows:

Area between lots 10 & 11 in Arnolds Suburan Addition according to Plat Record
17 page 95 in the Office of the Recorder of Allen County, Indiana.

Subject to A.E.P. easement

(Please attach a legal description of the property requested to be vacated, along with a survey or other acceptable drawing showing the property.)

The reasons for the proposed vacation are as follows:

To facilitate the sale of fire damaged house on lot 10 or 2821 Hobson Rd. Parcel
currently used as driveway for lot 10

(If additional space is needed please attach a separate page)

The name and addresses of all adjacent property owners must also be provided by the applicant.

Property owner(s) name(s): Virginia Shearer Bookmiller *Virginia Shearer Bookmiller*

Street Address: 3020 Kenwood Ave.

City: Ft. Wayne State: IN. Zip: 46805 Phone: 483-4000

Property owner(s) name(s): Bertha M. Martz *Bertha M Martz*

Street Address: 2815 Hobson Rd.

City: Ft. Wayne State: IN. Zip: 46805 Phone: 483-3884

Property owner(s) name(s): Patricia Kovach *Patricia Kovach*

Street Address: 3025 Curdes Ave.

City: Ft. Wayne State: IN. Zip: 46805 Phone: 471-3629

Property owner(s) name(s): Gordon G. Johnson *Gordon G Johnson*

Street Address: 3021 Curdes Avenue

City: Fort Wayne State: IN Zip: 46805 Phone: (219) 471-6034

Property owner(s) name(s):

Street Address:

City: State: Zip: Phone:

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Jon K. Anderson

Street Address: 4211 Meridith Dr.

City: Ft. Wayne State: IN. Zip: 46835 Phone: 486-4212

MISSING
ORIGINAL
←



Vacation Petition

City Clerk / Room 122 City County Building / Fort Wayne, IN 46802 / (219) 427-1208

FORT WAYNE, IND.
RECEIVED

OCT 02 1996

SANDRA E. KENNEDY
CITY CLERK

#602
I/We do hereby petition to vacate the following:

☐ Easement

☒ Public Right-of-Way (street or alley)

More particularly described as follows:

Area between lots 10 & 11 in Arnolds Suburan Addition according to Plat Record

17 page 95 in the Office of the Recorder of Allen County, Indiana.

Subject to A.E.P. easement

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Street Address: 3025 Curdes Ave.

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City: State: Zip: Phone:

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Jon K. Anderson

Street Address: 4211 Meridith Dr.

City: Ft. Wayne State: IN. Zip: 46835 Phone: 486-4212

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Jon K. Anderson Jon K. Anderson 09-30-96
Signature Printed Name Date

4211 Meridith Dr.
Address

Ft. Wayne IN. 46835
City/state/zip

Sharon A. Anderson Sharon A. Anderson 09-30-96
Signature Printed Name Date

4211 Meridith Dr.
Address

Ft. Wayne, IN 46835
City/state/zip

(If additional space is needed please attach a separate page)

Agents Name (Please print legibly): _____

Street Address: _____

City: _____ State: _____ Zip: _____ Phone: _____

NOTICE:

- Legal description is to be of the area to be vacated and must be complete and correct. If necessary a licensed surveyor's legal description may be required.
- All adjacent property owner's signatures must accompany this application.
- Applicant is hereby informed that in the case of a utility being located in a public way or easement, the applicants may be required to bear the cost of relocation, or of providing a replacement easement or easements as needed.

For Office Use Only:

Receipt #:	Date Filed:
Map #:	Reference #:

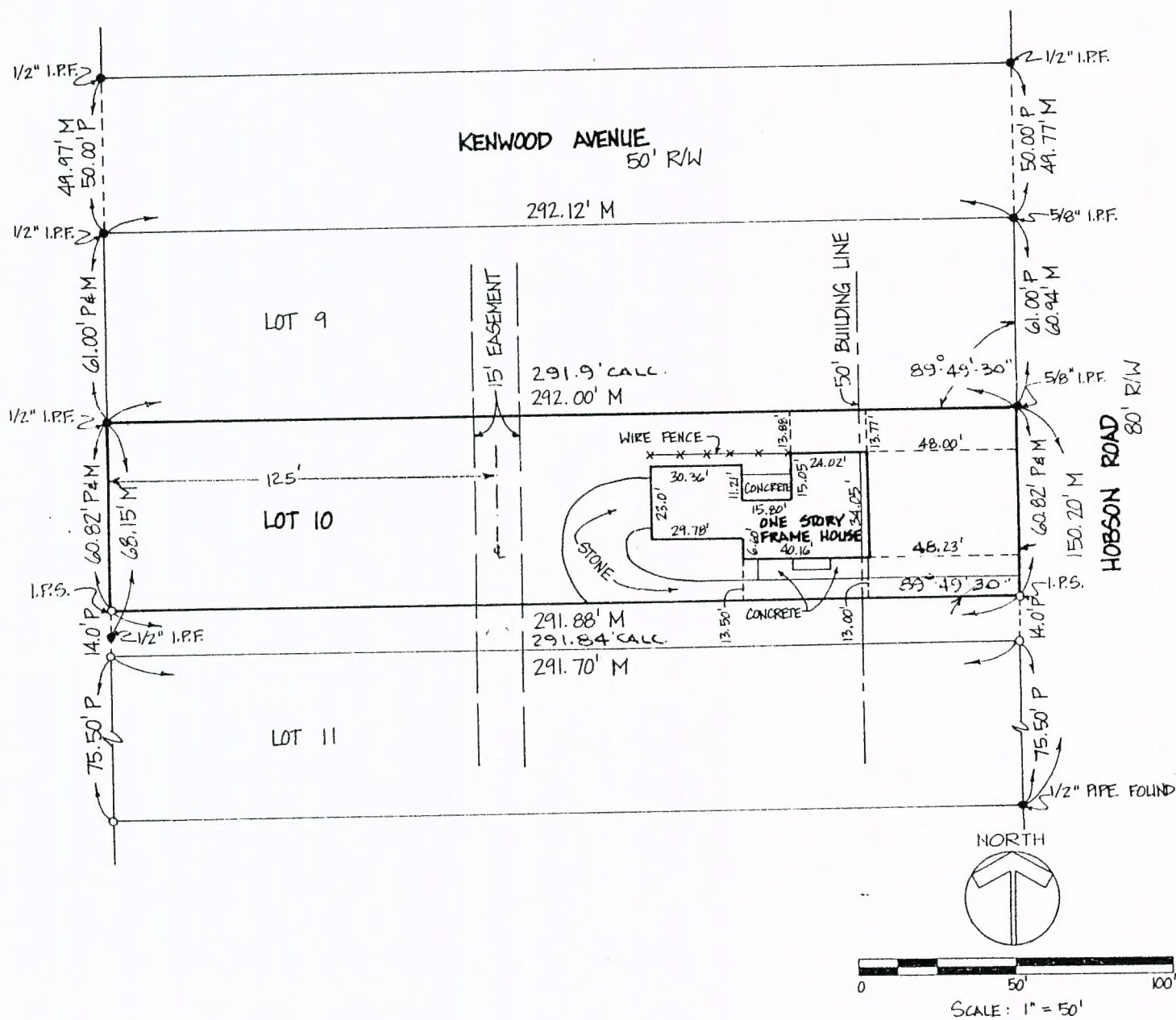
Survey No. 96537

SURVEY PLAT

This document is a re-survey of land and real estate located in St. Joseph Township, Allen County, Indiana,
made in accordance with the records on file in the Office of Recorder of said county.

Lot # 10 in **ARNOLD'S SUBURBAN ADDITION**, according to the plat thereof, recorded in Plat Record 17, page 95, in the Office of the Recorder of Allen County, Indiana.

FLOOD PLAIN NOTE: N.F.I.P. Flood Insurance Rate Map # 18003C0280 E, Panel # 280 of 475, effective February 16, 1995, shows the above described property in a Zone X (areas determined to be outside 500 year flood plain) designation, as determined by approximate scale only, no elevations taken or established.



Valid only with original hand and seal.

For: ANDERSON- Seller
 KNAPEREK - Buyer

Field work completed 9 / 17 / 96

I.P.F. - Iron Pin Found at grade
I.P.S. - 5/8" Ø Re-bar, 24" long, set
at grade, with cap stamped
C&D Firm No. 0026
P.F. - Pipe Found
P.K. - P.K. nail
D - Deed
M - Measured
P - Platted
Monuments found have no documented
history, except as noted.

I hereby certify that this survey was completed under my direct supervision and to the best of my knowledge and belief was executed according to the survey requirements set forth in 865 IAC 1-12.
Dated September 23, 1996

John L Updike

COIL & DICKMEYER, INC.

Civil Engineers - Land Surveyors - Planners

C. David Coil, P.E. #60006943
Kerry D. Dickmeyer, L.S. #S0243
John L. Updike, L.S. #S0494

6044 East State Boulevard
Fort Wayne, Indiana 46815-7639
Office: 219-749-0125
Fax: 219-749-0921

Sheet 2 of 2

Survey No. 96537

Date: September 23, 1996

SURVEYOR'S REPORT

IN ACCORDANCE WITH TITLE 865, ARTICLE 1, CHAPTER 12, SECTION 1 THROUGH 19 OF THE INDIANA ADMINISTRATIVE CODE, THE FOLLOWING OBSERVATIONS AND OPINIONS ARE SUBMITTED REGARDING THE VARIOUS UNCERTAINTIES IN THE LOCATIONS OF THE LINES AND CORNERS ESTABLISHED ON THIS SURVEY AS A RESULT OF:

- A.) AVAILABILITY AND CONDITION OF REFERENCE MONUMENTS
- B.) OCCUPATION OR POSSESSION LINE
- C.) CLARITY OF RECORD DESCRIPTIONS
- D.) THEORETICAL UNCERTAINTY OF MEASUREMENTS

THE THEORETICAL UNCERTAINTY (DUE TO RANDOM ERRORS IN MEASUREMENT) OF THE CORNERS OF THE SUBJECT TRACT ESTABLISHED THIS SURVEY IS WITHIN THE SPECIFICATIONS FOR A CLASS B SURVEY (0.25 FEET) AS DEFINED IN IAC 865.

Lot # 10 Arnold's Suburban Addition

This survey was completed without the benefit of a title commitment or abstract of title. A complete title search may reveal facts that may change portions of this survey.

Iron pins and pipes of various sizes were found in this area of the subdivision. They are probably not original corners. They were probably set for the resurveys of the various lots. Measurements were within 0.25 feet of plat dimensions in a North-South direction. Measurements in an East-West direction were within 0.1 feet of the calculated dimension. It is my opinion that the uncertainty associated with these corners is 0.25 feet.

There are no apparent discrepancies in the record plat in this area of the subdivision.

There is no visible evidence of possession along the boundary lines. The house is over the platted 50 foot building line by up to 2.0 feet.

90 145.55 145.55 267.6 40 4
Vance AVENUE 30 25 25 25 40 4

5.5	60	115.5	75 *3012	75 *3016	75 *3020	292.6 292.53	40 4
4	128.82 *3030	65	66	67	68	2 292.47	*3031 61
7	*3009 128.82	118.5	75	78	78	VACATED DEC RES 6-8-88	*3023 61
5.5		128.82 *3010	72	71	70	3 292.39	*3015 61
		115.5	*3013 75	*3015 75	*3021 75.1	4 292.33	*3007 61

5.5	60	115.5	75 *3012	75 *3016	75.1 *3020	VACATED DEC. RES. 11-14-80	40 4
6	*2923 128.82	73	74	75	76	5 292.22	*3033 61
5.5		118.5	75	75	75.1	5 292.15	*2927 61
9	*2909 128.82	80	79	78	77	7 292.07	*2915 61
5.5		128.82 *2910	*3013 75	*3017 75	*3021 75.2	8 292.01	*2907 61
		115.5	75	75	75.2		

5.5	60	115.5	75 *3012	75 *3016	75.3 *3020	291.96 291.90	50
8	*2823 128.82	81	82	83	84	10 291.83	*2821 61
5.5		115.5	75	75	75.3	11 291.74	*2815 75.5
11	*2807 157.5	88	87	86	85	12 291.68	*2807 75
15.5		157.5 *2810	*3013 75	*3017 75	*3021 75.4		
		115.5	75	75	75.4		

5.5	60	115.5	75 *3012	75 *3016	75.4 *3020	291.59 291.52	65
0	*2723 140.9	89	90	91	92	13 291.46	*2729 67
5.5		140.9 *2624	95	94	93	14 291.44	*2721 66.9
3	*2609 10.9	96	95	94	93	15 291.37	*2711 66.9
		115.5	75	75	75.4		

Legal Description

Starting at the southeast coner of lot 10 Arnolds Suburban Addition going West 291.88 feet thence South 14 feet thence East 291.84 feet thence North 14 feet to the place of beginning.

LIST OF PROPERTY OWNERS
WHOSE LAND ADJOINS PUBLIC RIGHT-OF-WAY
BETWEEN LOTS 10 & 11 OF
ARNOLDS SUBURBAN ADDITION

Virginia Shearer Bookmiller
3020 Kenwood Ave.
Ft. Wayne, IN 46805

Bertha M. Martz
2815 Hobson Rd.
Ft. Wayne, IN 46805

Patricia Kovach
3025 Curdes Ave.
Ft. Wayne, IN 46805

Jon K. & Sharon A. Anderson
2821 Hobson Rd.
Ft. Wayne, IN 46805

Residence: 4211 Meridith Dr.
Ft. Wayne, IN 46815

I do not reject the petition
of John Anderson to vacate the
city's right-of-way ~~of~~ between
the lot #11 and lot 10. of the
Arnold's sub. division.

Bertha McWath
Sept 10, 1996 2815 Hobson Rd.
483-3884

NOTES/REMARKS/NOTAS

we don't mind
if John Anderson
uses the property
known as the
public right-of-way
between lot 11 and
lot 10 of the
Arnold's suburban
addition

Dorinda Knoch
3025 Custer Ave
471-3629

Legal Description

Starting at the southeast coner of lot 10 Arnolds Suburban Addition going West 291.88 feet thence South 14 feet thence East 291.84 feet thence North 14 feet to the place of beginning.

VACATION PETITION

AREA MAP

CASE NO. #622

2524 97	3012 98	3018 99	3030 100	R1
13				
2610 96	3015 95	3019 94	3021 93	
2624 89	3012 90	3016 91	3020 92	
2810 88	3012 87	3016 86	3020 85	
2824 81	3012 82	3016 83	3020 84	
2910 80	3013 79	3017 78	3021 77	
2924 73	3012 74	3016 75	3020 76	
2930 72	3013 71	3017 70	3021 69	
2940 71	3014 70	3018 69	3022 68	
2950 70	3015 69	3019 68	3023 67	
2960 69	3016 68	3020 67	3024 66	
2970 68	3017 67	3021 66	3025 65	
2980 67	3018 66	3022 65	3026 64	
2990 66	3019 65	3023 64	3027 63	
3000 65	3020 64	3024 63	3028 62	
3010 64	3021 63	3025 62	3029 61	
3020 63	3022 62	3026 61	3030 60	
3030 62	3023 61	3027 60	3031 59	
3040 61	3024 60	3028 59	3032 58	
3050 60	3025 59	3029 58	3033 57	
3060 59	3026 58	3030 57	3034 56	
3070 58	3027 57	3031 56	3035 55	
3080 57	3028 56	3032 55	3036 54	
3090 56	3029 55	3033 54	3037 53	
3100 55	3030 54	3034 53	3038 52	
3110 54	3031 53	3035 52	3039 51	
3120 53	3032 52	3036 51	3040 50	
3130 52	3033 51	3037 50	3041 49	
3140 51	3034 50	3038 49	3042 48	
3150 50	3035 49	3039 48	3043 47	
3160 49	3036 48	3040 47	3044 46	
3170 48	3037 47	3041 46	3045 45	
3180 47	3038 46	3042 45	3046 44	
3190 46	3039 45	3043 44	3047 43	
3200 45	3040 44	3044 43	3048 42	
3210 44	3041 43	3045 42	3049 41	
3220 43	3042 42	3046 41	3050 40	
3230 42	3043 41	3047 40	3051 39	
3240 41	3044 40	3048 39	3052 38	
3250 40	3045 39	3049 38	3053 37	
3260 39	3046 38	3050 37	3054 36	
3270 38	3047 37	3051 36	3055 35	
3280 37	3048 36	3052 35	3056 34	
3290 36	3049 35	3053 34	3057 33	
3300 35	3050 34	3054 33	3058 32	
3310 34	3051 33	3055 32	3059 31	
3320 33	3052 32	3056 31	3060 30	
3330 32	3053 31	3057 30	3061 29	
3340 31	3054 30	3058 29	3062 28	
3350 30	3055 29	3059 28	3063 27	
3360 29	3056 28	3060 27	3064 26	
3370 28	3057 27	3061 26	3065 25	
3380 27	3058 26	3062 25	3066 24	
3390 26	3059 25	3063 24	3067 23	
3400 25	3060 24	3064 23	3068 22	
3410 24	3061 23	3065 22	3069 21	
3420 23	3062 22	3066 21	3070 20	
3430 22	3063 21	3067 20	3071 19	
3440 21	3064 20	3068 19	3072 18	
3450 20	3065 19	3069 18		

COUNCILMANIC DISTRICT NO. 2

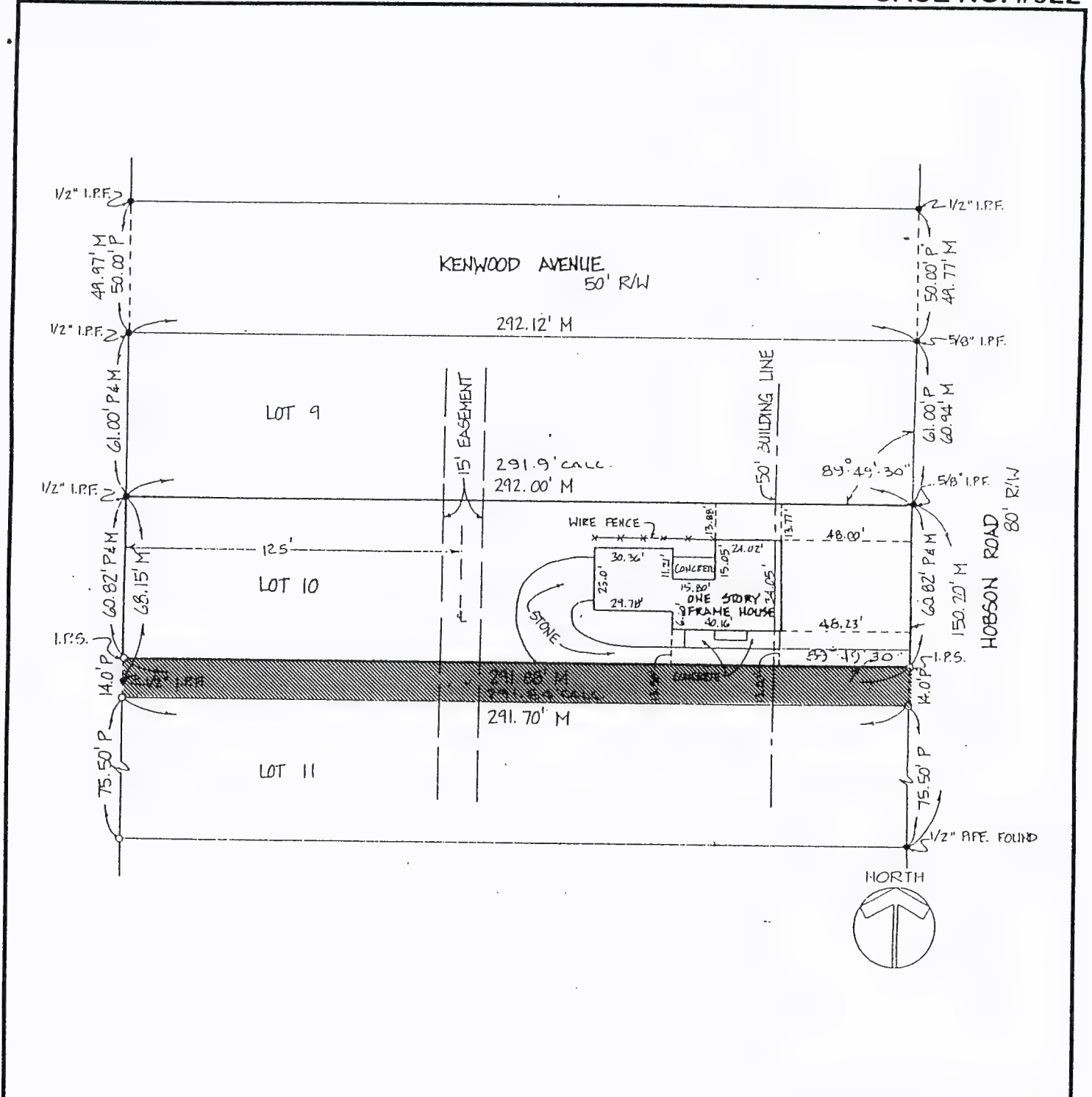
Map No. Q-18

LW 10-11-96

VACATION PETITION

AREA MAP

CASE NO. #622



COUNCILMANIC DISTRICT NO. 2

Map No. Q-18
LW 10-11-96

ORIGINAL

ORIGINAL

#622

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE East/West alley, west of Hobson Road.
between Kenwood and Curdes Avenues.

G-96-10-14

EFFECT OF PASSAGE Property is currently dedicated city
right-of-way. Property will be vacated and revert to the
ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated city
right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-96-10-14

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating a
dedicated alley right-of-way

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION ,
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>RETRY</u>	<u>NO REC</u>
Thomas H. Hurs			
Leburn L. Davis			
Diedrich Hall			
J. C. Hunsley			
O. S. E.			
Walter A. B. C.			

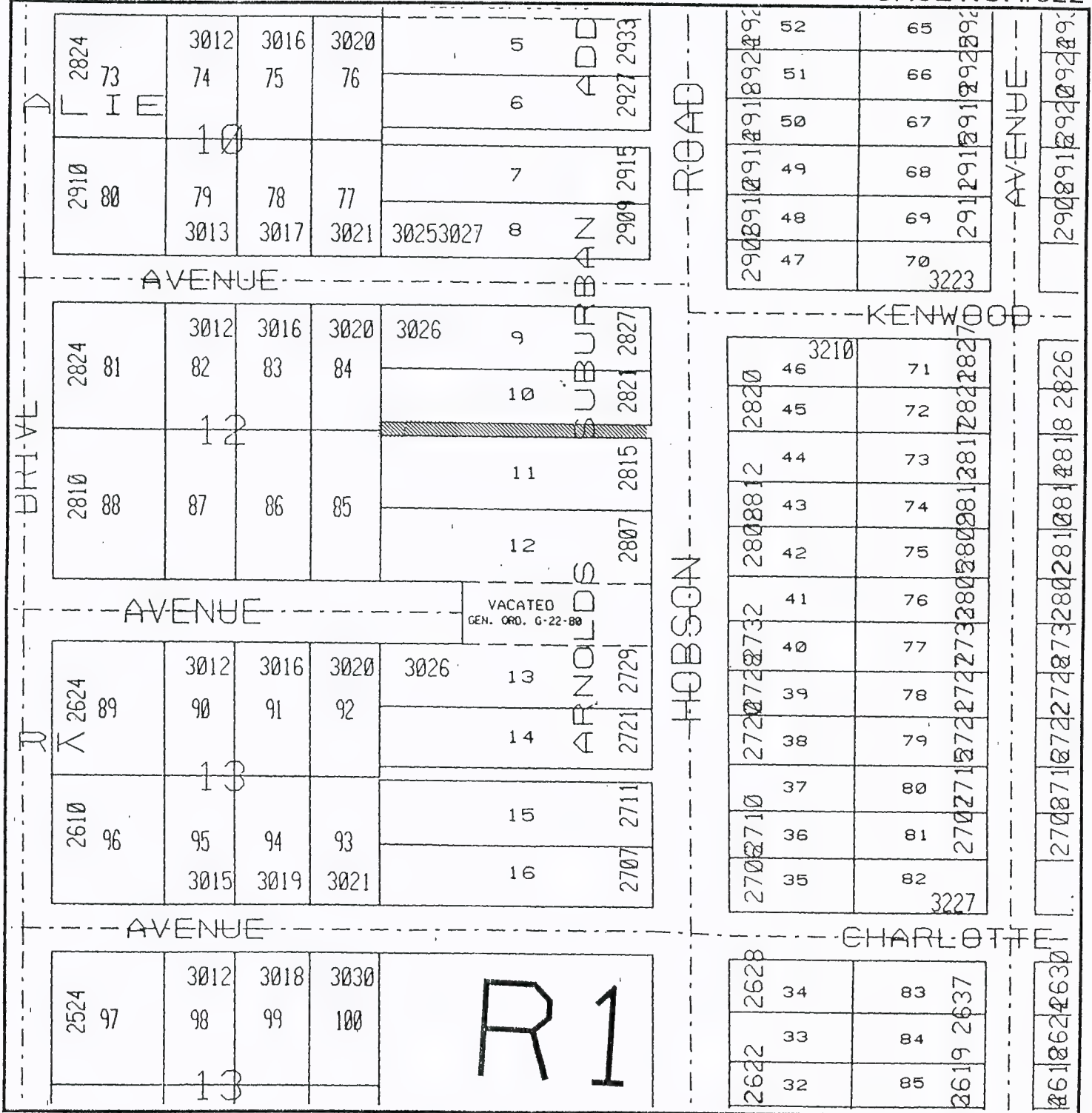
DATED: 11-26-96

Sandra E. Kennedy
City Clerk

VACATION PETITION

AREA MAP

CASE NO. #622



COUNCILMANIC DISTRICT NO. 2

Map No. Q-18

LW 10-11-96

Vacation Review & Analysis

Vacation Petition Number:	622		
Ordinance Number:	G-96-10-14		
Location:	Right-of-Way between Lots 10 & 11 Arnold Suburban Addition (2800 Hobson Road)		
Land Area:	Approximately 0.09 acres		
Zoning:	This area is zoned R-1 (Single Family Residential)		
Surroundings:	North	R-1	Single Family Residential
	South	R-1	Single Family Residential
	East	R1	Single Family Residential
	West	R1	Single Family Residential
Reason for request (if given):	To facilitate the sale of a fire damage house on lot 10 (2821 Hobson Road). This right-of-way is currently used as a driveway for lot 10.		

Planning Staff Considerations:

This petition seeks to vacate a 14 foot wide public right-of-way located between lots 10 and 11 in Arnold's Suburban Addition. The right-of-way is not used for any public purpose, but is used to provide access to a residence located on lot 10.

Arnold's Suburban Subdivision was platted in 1947. When the plat was recorded, it contained 14 foot right-of-ways between lot 2 and 3, 6 and 7, 10 and 11, and 14 and 15. It appears that these right-of-ways were intended to be public alleys.

The subdivision located immediately west is Rosalie Park Addition. Rosalie Park Addition was platted in 1955. This plat did not contain any provisions for continuing the public alleys.

Records indicate that the right-of-way between lots 2 and 3 has already been vacated.

In determining the merits of a vacation, staff considers the need for the right-of-way to provide access (or future access) to other public ways or places; and whether conditions in the area have changed since the original grant.

As there is no longer any potential of this right-of-way being continued to the west, it

would appear that the right-of-way no longer serves a public purpose.

The petitioner have listed abutting property owners and have obtained their signatures, indicating their consent to the vacation.

It should be noted that WPCE Sanitary Engineering required an easement for an existing sewer. There is an existing easement that will satisfy their needs.

Recommendations: Approval for the following reasons:

- 1) Approval will not negatively impact access to public streets or public places.

The right-of-way extends west from Hobson Road and does not connect to any other right-of-ways. Owners of lot 10 use the right-of-way as a private driveway.

- 2) Conditions in the area have changed since the original grant of the right-of-way.

The platting of land surrounding the right-of-way did not continue the right-of-way to the west.

- 3) Property values in the area will not be diminished by the vacation.

Vacation will not affect any other property owners. Utility easements will allow the continuation of service to the surrounding properties.

- 4) Approval is consistent with the principles of orderly growth and development.

The petitioners grant of an utility easement will allow continued service to the surrounding properties. The right-of-way is not needed for future growth of the area.

City Plan: State law requires that any public utility occupying the public way or easement shall not be deprived of the use for the location and operation of its facilities. The petitioner should provide a replacement utility and surface drainage easement as needed.

Traffic Eng. : No objection to the vacation.

Street Eng. : Approved.

Water Eng. : Approved.

WPC Eng. - Sanitary : An easement must be provided for the existing sanitary sewer. Or proof of an existing easement must be provided.

11/14/96 Easement shown on Certificate of Survey satisfies the above.

WPC Eng. - Storm : Approved.

Street Light Eng. : Approved.

Park Dept. : Approved.

Technical Services : Approved. Outside utilities were notified on 10/17/96.

Vacation Review & Analysis

Vacation Petition Number: 622

Ordinance Number: G-96-10-14

Location: Right-of-Way between Lots 10 & 11 Arnold Suburban Addition (2800 Hobson Road)

Land Area: Approximately 0.09 acres

Zoning: This area is zoned R-1 (Single Family Residential)

Surroundings:

North	R-1	Single Family Residential
South	R-1	Single Family Residential
East	R1	Single Family Residential
West	R1	Single Family Residential

Reason for request (if given): To facilitate the sale of a fire damage house on lot 10 (2821 Hobson Road). This right-of-way is currently used as a driveway for lot 10.

Planning Staff Considerations:

This petition seeks to vacate a 14 foot wide public right-of-way located between lots 10 and 11 in Arnold's Suburban Addition. The right-of-way is not used for any public purpose, but is used to provide access to a residence located on lot 10.

Arnold's Suburban Subdivision was platted in 1947. When the plat was recorded, it contained 14 foot right-of-ways between lots 2 and 3, 6 and 7, 10 and 11, and 14 and 15. It appears that these right-of-ways were intended to be public alleys.

The subdivision located immediately west is Rosalie Park Addition. Rosalie Park Addition was platted in 1955. This plat did not contain any provisions for continuing the public alleys.

Records indicate that the right-of-way between lots 2 and 3 has already been vacated.

In determining the merits of a vacation, staff considers the need for the right-of-way to provide access (or future access) to other public ways or places; and whether conditions in the area have changed since the original grant.

As there is no longer any potential of this right-of-way being continued to the west, it

would appear that the right-of-way no longer serves a public purpose.

The petitioner have listed abutting property owners and have obtained their signatures, indicating their consent to the vacation.

It should be noted that WPCE Sanitary Engineering requires an easement for an existing sewer. Council may wish to defer final action on this petition until arrangements for the easement can be made.

Recommendations: Conditional Approval contingent upon the petitioners providing a utility easement for the existing sanitary sewer and other utilities as needed, and for the following reasons:

1) Approval will not negatively impact access to public streets or public places.

The right-of-way extends west from Hobson Road and does not connect to any other right-of-ways. Owners of lot 10 use the right-of-way as a private driveway.

2) Conditions in the area have changed since the original grant of the right-of-way.

The platting of land surrounding the right-of-way did not continue the right-of-way to the west.

3) Property values in the area will not be diminished by the vacation.

Vacation will not affect any other property owners. Utility easements will allow the continuation of service to the surrounding properties.

4) Approval is consistent with the principles of orderly growth and development.

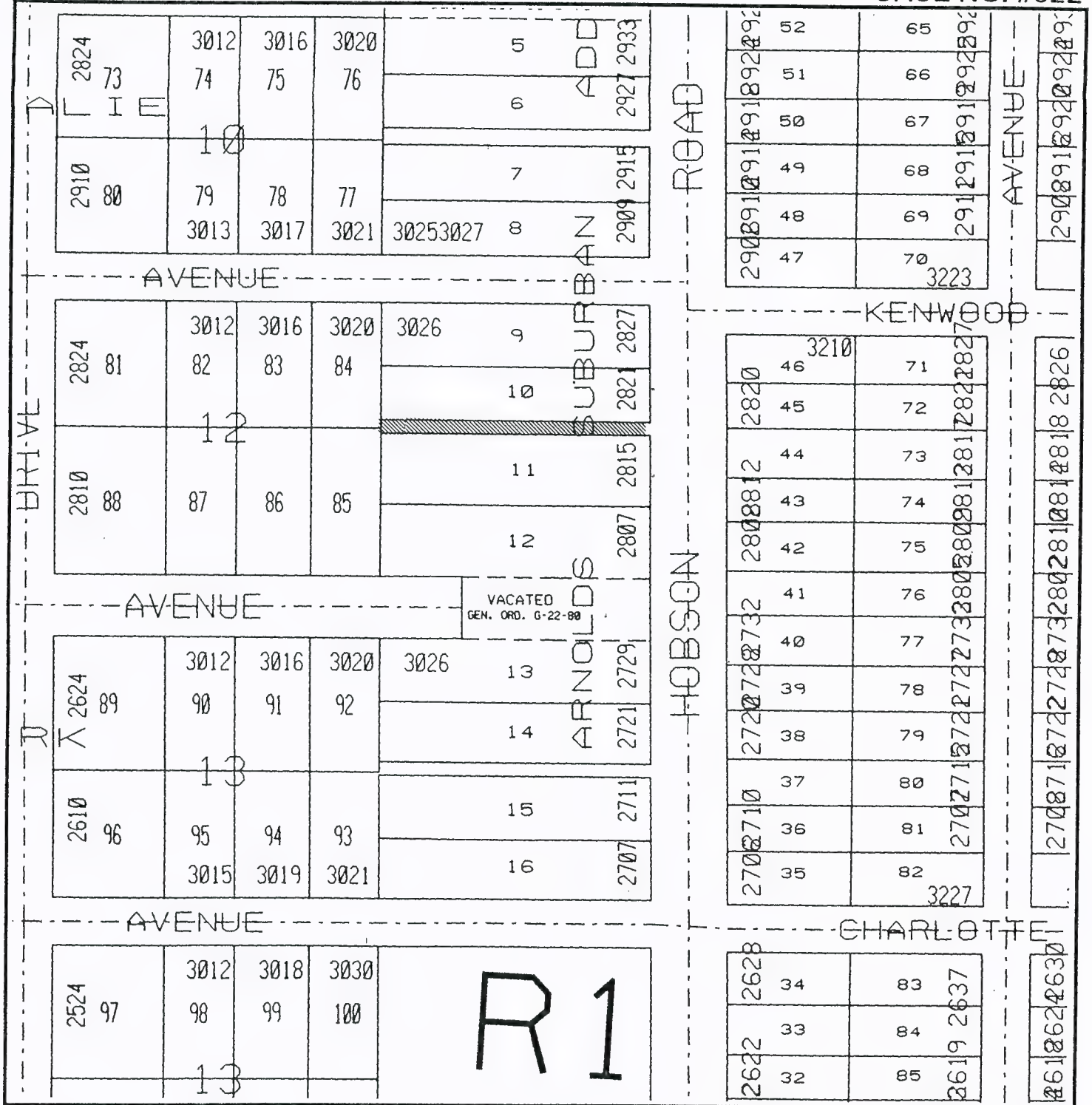
The petitioners grant of an utility easement will allow continued service to the surrounding properties. The right-of-way is not needed for future growth of the area.

City Plan:	State law requires that any public utility occupying the public way or easement shall not be deprived of the use for the location and operation of its facilities. The petitioner should provide a replacement utility and surface drainage easement as needed.
Traffic Eng. :	No objection to the vacation.
Street Eng. :	Approved.
Water Eng. :	Approved.
WPC Eng. - Sanitary :	An easement must be provided for the existing sanitary sewer. Or proof of an existing easement must be provided.
WPC Eng. - Storm :	Approved.
Street Light Eng. :	Approved.
Park Dept. :	Approved.
Technical Services :	Approved. Outside utilities were notified on 10/17/96.

VACATION PETITION

AREA MAP

CASE NO. #622



COUNCILMANIC DISTRICT NO. 2

Map No. Q-18
LW 10-11-96

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Jon K. Anderson
4211 Meridith Drive
Fort Wayne, IN 46835

4a. Article Number

P 304 164 509

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10-25-94

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

Jon K. Anderson

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.

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I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Bertha M. Martz
2815 Hobson Road
Fort Wayne, IN 46805

4a. Article Number

P 304 164 506

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

10/25/94

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X

Bertha M. Martz

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

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3. Article Addressed to: Virginia Shearer Bookmiller 3020 Kenwood Avenue Fort Wayne, IN 46805		4a. Article Number P 304 164 508	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 10-28-86	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X <i>V. Shearer Bookmiller</i>			

PS Form 3811, December 1994

Domestic Return Receipt

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3. Article Addressed to: Gordon G. Johnson 3021 Curdes Avenue Fort Wayne, IN 46805		4a. Article Number P 304 164 510	
		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
		7. Date of Delivery 10/31/86	
5. Received By: (Print Name)		8. Addressee's Address (Only if requested and fee is paid)	
6. Signature: (Addressee or Agent) X <i>Gordon G. Johnson</i>			

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

October 23, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of October 26, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-96-10-14
Alley Vacation Ordinance

Please send us 3 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

FORT WAYNE COMMON COUNCIL
NOTICE OF A PUBLIC HEARING

(BILL NO. G-96-10-14)
(ALLEY VACATION ORDINANCE)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, NOVEMBER 12, 1996, AT 5:30 P.M., IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, CONCERNING THE FOLLOWING

EAST/WEST ALLEY, WEST OF HOBSON ROAD,
BETWEEN KENWOOD AND CURDES AVENUES
COUNCILMANIC DISTRICT #2

Property is currently dedicated city right-of-way
Property will be vacated and revert to the ownership
of the adjacent property owners

SECTION 1. That the petition filed herein to vacate a dedicated alley right-of-way within the City of Fort Wayne, Indiana, more specifically described as follows, to-wit:

Area between Lots 10 & 11 in Arnolds Suburban Addition according to Plat Record 17 Page 95 in the Office of the Recorder of Allen County, Indiana. Starting at the southeast corner of Lot 10 Arnolds Suburban Addition going west 291.88 feet; thence south 14 feet; thence east 291.84 feet; thence north 14 feet to the place of beginning.

THE PUBLIC IS INVITED TO APPEAR BEFORE COMMON COUNCIL AND EXPRESS THEIR VIEWS.

FORT WAYNE COMMON COUNCIL

SANDRA E. KENNEDY
CITY CLERK

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219) 427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK

October 24, 1996

Virginia Shearer Bookmiller
3020 Kenwood Avenue
Fort Wayne, Indiana 46805

Dear Ms. Bookmiller:

We are sending you this letter to let you know that the City of Fort Wayne Common Council will hold a public hearing on Tuesday, November 12, 1996, at 5:30 P.M. Common Council will hold the public hearing in the Common Council Conference Room 128, 1st Floor, City-County Building, on the Calhoun Street side of the building. The following request will be on the agenda for the public hearing.

BILL NO.: G-96-10-14
PROPOSAL: Alley Vacation
APPLICANT: Jon K. Anderson
REQUEST: Property is currently dedicated city right-of-way. Property will be vacated and revert to the ownership of the adjacent property owners
REASON: To facilitate the sale of fire damaged house on lot 10 or 2821 Hobson Road. Parcel currently used as driveway for lot 10
LOCATION: Area between lots 10 & 11 in Arnolds Suburban Addition according to Plat Record 17 page 95 in the Office of the Recorder of Allen County, Indiana. Subject to A.E.P. easement
East/West alley, west of Hobson Road between Kenwood and Curdes Avenues

We are sending you this notice because you own property which is adjacent to the property included in this vacation request. This public hearing is your opportunity to offer input on the request. If you have any questions about the public hearing, please call the City Clerk's office 427-1221. If you any questions about the vacation request, please call the City Planning Department at 427-1129.

Sent letters to
Jon Anderson
Patricia Kovach
Bertha M. Martz

Andrew D. Johnson

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

57 lines, 1 columns wide equals 57 equivalent lines
at .346 cents per line

\$ 19.72

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

1.00

TOTAL AMOUNT OF CLAIM

\$ 20.72

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: OCT 26, 19 96

Title: Julie L Smith Clerk

FORT WAYNE COMMON COUNCIL
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SANDRA E. KENNEDY
CITY CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/ she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:
10-26-96

Julie L Smith

Subscribed and sworn to before me this 26th day of OCT, 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires: MY COMMISSION EXP JUNE 14,1997

FW COMMON COUNCIL

(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

ALLEN

County, Indiana

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Julie L Smith
Clerk

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SANDRA E. KENNEDY
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SANDRA E. KENNEDY
CITY CLERK
#300831

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L SMITH who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows:

10-26-96

Julie L Smith
Subscribed and sworn to before me this 26th day of OCT, 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER

NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997